

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD LESLIE TURNER, III,

Defendant.

Case No. 18-mj-2043-DPR

**UNITED STATES' MOTION FOR PRETRIAL DETENTION AND FOR A
HEARING PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

Comes now the United States of America, by Timothy A. Garrison, United States Attorney, and the undersigned Assistant United States Attorney, both for the Western District of Missouri, and hereby moves the Court to detain the defendant pending trial of this matter and to hold a detention hearing pursuant to 18 U.S.C. §§ 3142(e)(1), 3142(f)(1)(E) and 3142(f)(2)(B).

SUPPORTING SUGGESTIONS

1. 18 U.S.C. § 3142(f)(1)(E) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person and the community if the attorney for the Government moves for such a hearing and if the case is one that involves any felony that is not otherwise a crime of violence that involves the use of a firearm, destructive device, or a dangerous weapon.

2. Upon motion of the attorney for the Government or by motion of a judicial officer, 18 U.S.C. § 3142(f)(2)(B) also requires a detention hearing in a case that involves a serious risk that

the defendant will threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness.

3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the United States Code exists in the above cause, to wit: this defendant is currently facing a charge of threatening to destroy a federal building by use of fire or explosive in violation of 18 U.S.C. § 844(e). The facts supporting the charge include the defendant, during a phone conversation with Chief Harden, the Chief of Police for Veterans Affairs, threatening to blow up the Veterans Affairs Clinic (“VA Clinic), in Mt. Vernon, Missouri. *See* 18 U.S.C. § 3142(f)(1)(E). Furthermore, a couple days after making the threat to Chief Harden, the defendant called the VA Clinic in Mt. Vernon, Missouri, expressed his outrage that the police were contacted and stated that he was going to travel to the clinic and shoot at, at least one employee and possibly others within the facility. Because of the defendant’s threat to blow up the clinic, the entire facility was evacuated and placed on “shut down” by federal law enforcement to ensure that the community would not be placed in danger. Given the nature of the charges and the defendant’s overall conduct, including his contact with other victims and witnesses, there is a serious risk that the defendant will continue to threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate prospective witnesses. *See* 18 U.S.C. § 3142(f)(2)(B). Additionally, the defendant’s release will present a continued substantial risk to the community.

4. Moreover, the factors outlined in 18 U.S.C. § 3142(g) - the nature and circumstances of the charged offense, the weight of the evidence, the defendant’s history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant’s release - each demonstrate that there is no condition or combination of conditions

set forth in 18 U.S.C. § 3142(c) that will reasonably assure the safety of other persons and the community.

5. The Government is aware of the following evidence, which supports its motion for detention in light of the factors listed above:

a. The defendant received prior misdemeanor convictions in Greene County, Missouri, for assault in the third degree and for leaving the scene of an accident in 2008. The defendant was also previously arrested for endangering the welfare of a child and second degree assault in Missouri.

b. In relation to the nature and circumstances of the offense charged, the defendant is charged by complaint with threatening to destroy a federal building by fire or explosive, in violation of 18 U.S.C. § 844(e).

c. In relation to the weight of the evidence supporting the charges in the instant complaint, the Government incorporates by reference the Affidavit in Support of a Criminal Complaint (“Affidavit”) signed by Special Agent (“SA”) Barry Petru of the Federal Bureau of Investigation (“FBI”), filed with the Court on July 19, 2018. (D.E. 1.)¹ In addition to the facts presented in such Affidavit, the Government presents the following to the Court:

1. On July 13, 2018, the FBI in Springfield, Missouri, began investigating the activities of the defendant, Richard Leslie Turner, III, who at that time resided at 2446 N. Lyon, Springfield, Greene County, Missouri, a location within the Western District of Missouri, based on information received from the Department of Veterans Affairs Police Department indicating that Turner had made threats to destroy the Veterans Affairs Clinic (“VA Clinic”), located in Mt. Vernon, Missouri, within the Western District of Missouri, during a phone call with law enforcement.

2. On July 13, 2018, during the FBI investigation, agents became aware that the Department of Veterans Affairs Police, located in Fayetteville, Arkansas, was investigating a complaint of interstate communication of a bomb threat, specifically by telephone, made to the Department of Veterans Affairs, Community Based Outpatient Clinic, located at 600 N. Main Street, Mt. Vernon, Missouri. During my inquiry, the FBI determined that the person responsible for the threat to destroy the VA Clinic was defendant Richard Leslie Turner, III. Agents determined that the defendant lived in Springfield, Missouri, and was a patient of the VA Clinic in Mt. Vernon, Missouri, at the time the threats were communicated.

¹ “D.E.” refers to the district court’s docket entries in the instant criminal case, case number 18-mj-2043-DPR, and any associated documents.

3. During the investigation, agents learned that on Friday, July 13, 2018, the defendant traveled to the VA Clinic in Mt. Vernon, Missouri, for a previously scheduled appointment. Upon arrival, the defendant was told by staff member Larry Steptoe that the appointment had been changed. The defendant was further told staff had unsuccessfully attempted to contact him at the phone number reflected in his medical file. The defendant became angry and left the VA Clinic. Shortly after the defendant left, another clinic patient informed staff member Steptoe that the defendant was in the facility parking lot making statements about obtaining explosives and blowing up the VA Clinic. Staff immediately notified the Veterans Affairs Police Department per agency protocol. Law enforcement determined that the threats communicated by the defendant were credible and evacuated the facility to ensure that community members, staff, and patients being seen would not be injured or killed.

4. Agents then learned from Veterans Affairs Chief of Police James Harden, that after the VA Clinic had been evacuated and secured, he made telephonic contact with the defendant at his home phone number in Springfield, Missouri. Chief Harden advised that a male answered the call, and Chief Harden inquired if he was speaking specifically with Richard Turner, the defendant. Chief Harden advised that he was told "yes," that he was speaking with the defendant. Chief Harden then identified himself and informed the defendant it was illegal to make threats to blow up a federal facility. Chief Harden advised that the defendant stated that he was angry because the VA Clinic had called the police and as a result, he really intended to blow up the clinic because the police had called him. The defendant then cursed at Chief Harden and hung up the phone. The VA Police Department reported the threats being communicated by the defendant in person and over the phone.

5. Finally, agents also learned that on Tuesday, July 17, 2018, the VA Clinic in Mt. Vernon, Missouri, received a threatening telephone call from the defendant. Clinic staff member Steptoe took the phone call, in which the caller identified himself by name as the defendant, Richard Leslie Turner, III. The defendant then told Steptoe that he was angry that Steptoe had turned him into the police, and he intended to travel to the VA Clinic and kill Steptoe. Steptoe advised that he recognized the caller's voice as the defendant, Richard Leslie Turner, III.

6. The defendant's criminal history, which includes convictions for domestic assault and child endangerment, along with evidence from witnesses and law enforcement as to the defendant's threats to destroy a federal facility with explosives, and shoot a VA Clinic employee,

clearly demonstrates his complete disregard for law enforcement and the safety and security of the community. As such, this defendant is a continuing danger to the community in general.

7. A review of the defendant's threats to the various individuals that have become involved in this investigations show that he has already threatened, and attempted to threaten individuals in this case, even when he was made aware that law enforcement had been contacted and had become involved.

8. The threats the defendant has communicated to the various victims in this investigation, show that the defendant is clearly a danger to the community who lacks self-control to resist carrying out threatening and potentially violent acts.

9. Based upon the foregoing, the United States submits that there is clear and convincing evidence that there are no conditions the Court could impose that would reasonably assure the safety of the community if he were released.

WHEREFORE, the United States requests a pretrial detention hearing and that the defendant be detained pending trial.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By /s/ Patrick Carney
Patrick Carney
Assistant United States Attorney
Ks. Bar No. 20254
901 St. Louis Street
500 Hammons Tower
Springfield, Missouri 65806
Telephone: (417) 831-4406

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent e-mail notification of such filing to all CM/ECF participants in this case.

/s/ Patrick Carney
Patrick Carney
Assistant United States Attorney